

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

July 7, 2009

CALL TO ORDER: Mayor Waldman called the Regular Meeting of the La Palma City Council to order at 7:03 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California, with all members present.

PLEDGE OF ALLEGIANCE: Councilmember Herman

INVOCATION: Mayor Pro Tem Shanahan

ROLL CALL: Council and Commission Members

Councilmembers present: Councilmember Charoen, Councilmember Herman, Councilmember Rodriguez, Mayor Pro Tem Shanahan, and Mayor Waldman

Councilmembers absent: None

City Officials present: Dominic Lazzaretto, City Manager/Executive Director
Joel Kuperberg, City Attorney
Ed Ethell, Chief of Police
Jeff Moneda, Public Works Director/City Engineer
Keith Neves, Finance Director
Laurie Murray, Administrative Services Manager/ City Clerk
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

1. Mayor Waldman presented Student Recognition Awards to Mahesh Botejue, Lisa Gray, and Kristina Truong.

Mayor Waldman presented a Student Recognition Award to James Wang on behalf of his son, Kevin Wang.

ORAL COMMUNICATIONS

No members of the public wished to speak.

RECESS CITY COUNCIL AND CONVENE AS THE COMMUNITY
DEVELOPMENT COMMISSION AT 7:16 P.M.

CONSENT CALENDAR

A. Approval of Community Development Commission Minutes

Minutes of the June 16, 2009, Regular Meeting of the La Palma Community Development Commission.

B. Approval of Register of Demands

Resolution No. CDC 2009-15 approving the Register of Demands for July 7, 2009.

Commission Member Herman made a motion to approve Consent Calendar Items A and B.

The motion was seconded by Commission Member Charoen and carried on the following vote:

AYES: Commission Member Charoen, Commission Member Herman, Commission Member Rodriguez, Vice Chairperson Shanahan, and Chairperson Waldman.

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

ADJOURN COMMUNITY DEVELOPMENT COMMISSION, AND CONVENE AS
THE PLANNING COMMISSION AT 7:17 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the June 16, 2009, Regular Meeting of the La Palma Planning Commission.

Commission Member Charoen made a motion to approve Consent Calendar Item PL-1.

The motion was seconded by Commission Member Rodriguez and carried on the following vote:

AYES: Commission Member Charoen, Commission Member Herman, Commission Member Rodriguez, Vice Chairperson Shanahan, and Chairperson Waldman.

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

ADJOURN PLANNING COMMISSION, AND CONVENE AS THE CITY
COUNCIL AT 7:18 P.M.

CONSENT CALENDAR

1. Waive the Reading of All Ordinances

Approve the reading of all Ordinances in their entirety and read by title only.

2. Approval of Council Minutes

Minutes of the June 16, 2009, Regular Meeting of the La Palma City Council.

3. Approval of Register of Demands

Resolution No. 2009-33 approving the Register of Demands for July 7, 2009.

6. Resolution Accepting the Annual Disadvantaged Business Enterprise Program for Fiscal Year 2009-10

Resolution No. 2009-35 accepting the Annual Disadvantaged Business Enterprise (DBE) Program for Fiscal Year 2009-10.

7. Authorization for Councilmembers to Attend the League of California Cities Annual Conference and Designation of Voting Delegates

a) Approve the attendance of Mayor Mark Waldman and Councilmember Ralph Rodriguez at the League of California Cities Annual Conference, September 16-18, 2009, in San Jose; and

b) Designate Mayor Mark Waldman as the City of La Palma's Voting Delegate at the League's Annual Conference, and Councilmember Ralph Rodriguez as the Alternate Voting Delegate.

Councilmember Herman made a motion to approve Consent Calendar Items 1, 2, 3, 6, and 7.

The motion was seconded by Councilmember Rodriguez and carried on the following vote:

AYES: Councilmember Charoen, Councilmember Herman, Councilmember Rodriguez, Mayor Pro Tem Shanahan, and Mayor Waldman.

NOES: None

ITEMS PULLED FROM CONSENT CALENDAR

4. Ordinance to Amend the Residential Landscape Standards of the La Palma City Code Pertaining to Artificial Turf and Drought-Tolerant Plant Materials and a Resolution to Establish an Artificial Turf Permit Fee

Staff requested that Agenda Item 4 be pulled so the title of the Ordinance could be read.

Gerard Goedhart, 4922 Berton Circle, addressed the City Council regarding his opposition to the application process and permit fee portion of the Ordinance (Section 26-242).

Discussion ensued regarding a permit fee being prohibitive; whether the regulations for installation of artificial turf are too strict; what a "to scale" plan consists of; that City staff would help the public in preparing a landscape plan just as they do with building permits; the Ordinance being proactive in the planning stage rather than having code enforcement issues after installation; the standard drainage rate of artificial turf; and the current number of residents that already have artificial turf.

Gerard Goedhart, 4922 Berton Circle, addressed the City Council regarding the installation being easy and asking for justification on how the permit fee was determined.

- a) Adopt an Ordinance amending the residential landscape standards of the La Palma City Code pertaining to artificial turf and drought-tolerant plant materials; and

Ordinance No. 2009-04 amending the residential landscape standards of the La Palma City Code pertaining to artificial turf and drought-tolerant plant materials.

- b) Approve a Resolution establishing an Artificial Turf Permit Fee.

Resolution No. 2009-34 establishing an Artificial Turf Permit Fee.

Councilmember Charoen made a motion to approve Ordinance 2009-04, amending the residential landscape standards of the La Palma City Code pertaining to artificial turf and drought tolerant materials and approve Resolution No. 2009-34 establishing an Artificial Turf Permit Fee.

The motion was seconded by Mayor Pro Tem Shanahan and carried on the following vote:

AYES: Councilmember Charoen, Mayor Pro Tem Shanahan, and Mayor Waldman.

NOES: Councilmember Herman and Councilmember Rodriguez.

5. Approval of a Cooperative Agreement with the City of Cypress for the Del Amo Boulevard Bridge Improvement Project

A member of the public requested that Consent Calendar Item 4 be pulled so he could address the matter.

Ismile Noorbaksh, 7541 Trabuco Lane, addressed the City Council regarding his pleasure that the project is moving forward and commented on concerns he has with two clauses in the proposed contract.

Discussion ensued regarding La Palma accepting responsibility to maintain the bridge; La Palma's added financial responsibility being 3%; the City possibly annexing Cypress' 3% of the bridge at a later date; and that the minimal amount of monies required to maintain the Cypress portion of the bridge are outweighed by the public benefit.

Approve the Cooperative Agreement with the City of Cypress for the Del Amo Boulevard Bridge Improvement Project.

Mayor Pro Tem Shanahan made a motion to approve a Cooperative Agreement with the City of Cypress for the Del Amo Boulevard Bridge Improvement Project.

The motion was seconded by Councilmember Rodriguez and carried on the following vote:

AYES: Councilmember Charoen, Councilmember Herman, Councilmember Rodriguez, Mayor Pro Tem Shanahan, and Mayor Waldman.

NOES: None

PUBLIC HEARINGS

8. Introduction of an Ordinance Repealing Chapter 25, Article X (Emergency Water Management) of the La Palma Municipal Code and Replacing it with the La Palma Water Conservation and Water Supply Shortage Program

- a) Mayor Waldman opened the Public Hearing at 8:17 p.m.
- b) Public Works Director Moneda gave the Staff Report.
- c) Public Input:

Gerard Goedhart, 4922 Berton Circle, addressed the City Council regarding his opposition to the proposed Ordinance.

Wallace Yelle, 7461 Puerto Rico, addressed the City Council regarding the methodology for determining a home's allowed water usage and his opposition to the Ordinance.

City Attorney Kuperberg commented that the City would not need to ration its water unless the Metropolitan Water District of Orange County (MWDOC) decreases its allocation to the City of La Palma. He also commented that the Ordinance allows for additional monitoring of water usage that the current Ordinance does not.

d) Council Comments and Questions:

Discussion ensued regarding the proposed Ordinance completely repealing the current Ordinance; a proposed hotline for reporting violators; code enforcement and water department employees having the authority to issue violation notices; that the last water user fee study was conducted in 2003/2004; that the current water study will be brought to the City Council in October 2009; MWDOC's increases of 20% going into effect in September; opposition to the disconnection of water service for violators; the current water study determining the City's biggest water users historically; the City Council's expectation that every customer receive a letter advising them that the City is declaring a Phase One Water Conservation Stage and explaining what it is; educating the public of the proposed Ordinance prior to adopting it; and that the City faces penalties of approximately \$40,000 per month from MWDOC if it does not reduce its water usage by 10%.

Joe Berg, Water Use Efficiency Program Manager for MWDOC, addressed the City Council regarding La Palma's water allocation and noted that the penalties for overuse are in a pool shared by other Orange County agencies proportionate to each agency's water usage. He added that if the County of Orange, in its entirety, can achieve a 10% reduction of water use, then no penalties will be assessed to any of the cities within the County.

Further discussion ensued regarding the consequences if the City does not adopt the Ordinance; the loss of grant funds; AB 1420, which finalized implementation guidelines requiring agencies to use best management practices; and the timeline to implement the proposed Ordinance in order not to accrue penalty fees.

Mayor Waldman called for a short recess at 9:30 p.m.

Mayor Waldman reconvened the City Council at 9:36 p.m. with all members present.

- e) Mayor Waldman closed the Public Hearing at 9:37 p.m.

Further discussion ensued regarding a water usage plan; the City's consumption of water being based on estimates; the total units per month that the City pumps and generates internally per year; residents not having data on the total units of water they have used historically; outreach and education to the public prior to the Ordinance being adopted; whether a new Ordinance is needed; the difference in administrative fines between the current Ordinance and the proposed Ordinance; and the total amount of grant funding from MWDOC that La Palma would lose if the City does not pass the Ordinance and reduce its water usage by 10%.

Mayor Waldman reopened the Public Hearing at 9:52 p.m.

Public Input

Joe Berg, Water Use Efficiency Program Manager for MWDOC, addressed the City Council regarding the variety of public sector program grants available that La Palma would not be able to take advantage of if La Palma does not comply with the 10% water usage reduction required by MWDOC.

Mayor Waldman closed the Public Hearing at 9:53 p.m.

- f) Introduction of an Ordinance repealing Chapter 25, Article X (Emergency Water Management) of the La Palma Municipal Code and replacing it with the La Palma Water Conservation and Water Supply Shortage Program.

Councilmember Herman made a motion to table the item until a plan is implemented to educate the public on the County's water restrictions and the proposed Ordinance; the City of La Palma receives new pricing information from the water user fee study; and receipt of updated information from MWDOC on its penalty structure and compliance by other cities.

The motion was seconded by Councilmember Rodriguez and carried on the following vote:

AYES: Councilmember Charoen, Councilmember Herman, Councilmember Rodriguez, Mayor Pro Tem Shanahan, and Mayor Waldman.

NOES: None

REGULAR ITEMS

9. Consideration of Traffic Improvements at the Intersections of Oak Drive/Puerto Rico Drive and Andrew Drive/Kevin Lane and at the Denni Street South Cul-de-sac
 - a) Deny a request for a multi-way stop at the intersection of Oak Drive and Puerto Rico Drive

Public Works Director Moneda gave the Staff Report.

Wallace Yelle, 7461 Puerto Rico Drive, addressed the City Council regarding his support for a four-way stop sign at Oak Drive and Puerto Rico Drive or some other type of deterrent.

Council Comments and Questions:

Discussion ensued regarding numerous residents complaining about speeders at the intersection; the need for La Palma Police Department presence at the intersection; the engineering study using the Manual on Uniform Traffic Control Devices (MUTCD); the intersection not having justifiable warrants for a four-way stop sign; the factors that warrant a four-way stop sign; the resident who initiated the request; the device that was used to track the speed of drivers at the designated location; other intersections in La Palma that could possibly warrant a four-way stop sign; other alternatives to slow a driver's rate of speed; complaints received by the Police Department regarding the intersection; and potential liability if a unwarranted stop sign is placed at a particular location.

Wallace Yelle, 7461 Puerto Rico Drive, addressed the City Council regarding his support for a four-way stop sign at Oak Drive and Puerto Rico Drive or some other type of deterrent.

Further discussion ensued regarding the upcoming Project Safe Streets discussion and how additional measures could deter speeders; the number of traffic lights and stop signs already installed that may not be warranted; whether or not the City has applied MUTCD standards for other existing signals and stop signs; Staff's position of supporting the MUTCD standards for the intersection; and the amount of staff time required to research other signals and whether or not they were warranted.

Councilmember Herman made a motion to approve a four-way stop sign at the Intersections of Oak Drive/Puerto Rico Drive. The motion was seconded by Councilmember Rodriguez.

Discussion ensued regarding the MUTCD study data not being in support of a four-way controlled stop sign at this intersection.

Mayor Waldman made a substitute motion to continue this item until historical traffic studies on compliance with MUTCD at other City traffic signals and stops has been reviewed and brought back to the City Council.

The motion was seconded by Mayor Pro Tem Shanahan and carried on the following vote:

AYES: Councilmember Charoen, Mayor Pro Tem Shanahan, and Mayor Waldman.

NOES: Councilmember Herman and Councilmember Rodriguez.

- b) Deny a request for a multi-way stop at the intersection of Andrew Drive and Kevin Lane.

Councilmember Charoen and Councilmember Herman recused themselves at 10:47 p.m. due to a presumed conflict of interest regarding a multi-way stop at the intersection of Andrew Drive and Kevin Lane.

Mayor Pro Tem Shanahan made a motion to continue this item until historical traffic studies on compliance with MUTCD at other City traffic signals and stops has been reviewed and brought back to the City Council and to notify the residents who are impacted so they have an opportunity to submit public comment.

The motion was seconded by Mayor Waldman and carried on the following vote:

AYES: Mayor Pro Tem Shanahan and Mayor Waldman.

NOES: Councilmember Rodriguez.

ABSTAINED: Councilmember Herman and Councilmember Charoen

Councilmember Charoen and Councilmember Herman returned to the dais at 10:58 p.m.

- c) Approve a request for improvements to the Denni Street south cul-de-sac.

Mayor Waldman recused himself at 10:59 p.m. due to a presumed conflict of interest regarding improvements to the Denni Street South Cul-de-sac.

Public Works Director Moneda gave the Staff Report.

Discussion ensued regarding whether the Police Department concurs with the proposal; why the improvements were requested by residents adjacent to the area; and obstruction to the view of the park when cars are parked in front of the Denni Street Park cul-de-sac.

Councilmember Rodriguez made a motion to approve a request for improvements to the Denni Street south cul-de-sac.

The motion was seconded by Councilmember Charoen and carried on the following vote:

AYES: Councilmember Charoen, Councilmember Herman, Councilmember Rodriguez, and Mayor Pro Tem Shanahan.

NOES: None

ABSTAINED: Mayor Waldman

Mayor Waldman returned to the dais at 11:06 p.m.

COUNCILMEMBER AB1234 REPORTS, REPORTS FROM CITY-AFFILIATED COMMITTEES, AND COUNCIL REMARKS

Mayor Pro Tem Shanahan attended the Fourth of July Run for Fun event; the Kiwanis Pancake Breakfast; and the Orange County Transportation Authority (OCTA) meeting.

Councilmember Rodriguez attended the Fourth of July Run for Fun event; the League of California Cities (LOCC) Policy Committee meeting in Sacramento; and Chief Prather's retirement ceremony from the Orange County Fire Authority. He announced that he plans to attend an upcoming telephone conference regarding Joint and Several Liability.

Councilmember Herman attended the Fourth of July Run for Fun event and suggested that the City consider increasing the prize money for the winner of that event. He asked for an update on the audio looping system at the Community Center and the feasibility to have a system installed in the Council Chambers.

City Manager Lazzaretto answered that the audio looping system is installed in the Community Center and that it is possible to install this equipment in the Council Chambers, but it will require other audio and electrical upgrades to the building.

Councilmember Herman updated the City Council on recent Orange County Vector Control (OCVCD) subject matters. He closed by commenting on an article in *PARADE* magazine regarding volunteer fire fighters and the weekly La Palma Police Department report.

Councilmember Charoen attended the Fourth of July Run for Fun event and the OCFA Board Meeting.

Mayor Waldman attended the LOCC Orange County Executive Board meeting; the Orange County Sanitation District (OCSD) general meeting; the Orange County Council of Governments (OCCOG) general meeting; the LOCC Policy Committee meeting in Sacramento; the Southern California Association of Governments (SCAG) Energy and Environment meeting; the Fourth of July Run for Fun event; and the fireworks display show at the Los Alamitos Joint Forces Training Base.

CITY MANAGER REMARKS

City Manager Lazzaretto reported on upcoming agenda items and reported that Michael Bruckner, the City's prior Administrative Intern, will be returning to the

Administration Department for the summer. He closed by commenting on the new trash disposal rates and their effective date next year.

CITY ATTORNEY REMARKS

City Attorney Kuperberg had nothing to report.

ADJOURNMENT

Mayor Waldman adjourned the Regular Meeting of the La Palma City Council at 11:20 p.m.

/s/

Mark I. Waldman, Mayor

Attest:

/s/

Laurie A. Murray, City Clerk